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Justice Probe Fails To Disclose Source Of Leaks on Mideast

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An extensive Justice Department investigation into purported unauthorized disclosures of U.S. military and diplomatic strategy in Lebanon has ended without identifying the source of the disclosures or determining whether national security was compromised, administration officials said yesterday.

"There is no evidence that reporters were told anything we didn't want them to know," one official said.

The inquiry triggered an angry confrontation between then-national security affairs adviser William P. Clark and White House chief of staff James A. Baker III, reportedly prompted Secretary of State George P. Shultz to say he would resign if asked to take a polygraph test, and caused widespread concern among many top administration officials questioned at length by the FBI.

One official said the investigation may have had "a preventive effect" on information leaks. But another official contended that the inquiry had damaged the administration by "trivializing national security" and involving the Justice Department in a White House power struggle.

President Reagan ordered the investigation of his senior White House staff, Cabinet officers and foreign policy advisers Sept. 13. He acted after being told by Clark that news accounts, including a story on the front page of that morning's Washington Post, containing classified information had jeopardized special envoy Robert C. McFarlane's efforts to obtain a cease-fire in Lebanon and may have endangered his life.

NBC News reported on the evening of Sept. 12 that "top administration officials have asked the president to seriously consider ordering U.S. air strikes on Syrian positions in Lebanon." The NBC account, by White House correspondent Chris Wallace, was confirmed by administration officials in time for both CBS and ABC to carry the item on their evening newscasts.

The Washington Post then reported on Sept. 13 that Reagan had authorized Marines to call for air strikes "against forces shelling their positions." This report also was quickly confirmed for several other newspapers.

One official said yesterday that the information had been confirmed "and apparently disclosed in the first place" because some administration officials wanted the Syrian-backed forces to know that the Marines would retaliate if fired upon.

In addition, sources said yesterday, the threat to McFarlane's life, though real, may have been exaggerated to encourage Reagan to order the investigation. They said McFarlane had been told of concern for his safety and had declined additional protection.

Officials said that Clark and others in the White House had received reports that McFarlane was a likely target of terrorists opposed to the Lebanese cease-fire he was trying to negotiate. But one senior official said there was "no warning of an actual event," meaning a specific attempt on McFarlane's life.

Clark subsequently has become Reagan's secretary of the interior and McFarlane has replaced him as national security affairs adviser.

Clark's recommendation to Reagan to launch the investigation, strongly supported by White House counselor Edwin Meese III, touched off a bitter battle with Baker.

Sources said the original draft of the letter submitted to the president by Clark and Meese specifically empowered the use of polygraphs and also put Attorney General William French Smith in charge of the investigation. The draft letter gave Smith the authority to determine the source of the disclosure and went on to say that the person so identified would be instructed to resign, in effect giving Smith the authority to fire the suspected "leaker."

Clark reportedly said he was "damned angry" over what he described as repeated unauthorized disclosures of national security information. But his proposal to have Reagan approve an investigation of his own staff provoked an equally angry reaction from Baker, who opposed the use of polygraphs in the inquiry and also opposed putting Smith in-charge of it.

Baker contended that Reagan would be politically embarrassed if it became known that he had authorized an investigation of his own staff over a relatively minor issue. He also defended his own prerogatives, pointing out that Reagan previously had signed an order putting Baker in charge of such investigations when they involved the White House staff.

Baker was backed by Shultz, who said he would resign rather than have his loyalty questioned by a lie detector test, and by deputy chief of staff Michael K. Deaver, sources said.

Reagan deleted the passages specifically authorizing polygraph tests and giving Smith the authority to

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order resignations. But he then signed a letter directing the attorney general to launch the investigation using "all legal means." Despite the omission of the reference to lie detectors, officials said it was clear the FBI had authority to use them.

The inquiry spread fear among White House aides as the FBI conducted interviews centering on meetings of the National Security Council on Sept. 10 and Sept. 11. Some aides said they feared that their phones were tapped and complained that the "threat of lie detector tests" was implicitly present even though no polygraph tests were administered.

Officials were reluctant to talk about the investigation because they were warned by the FBI that the inquiry was classified and that any disclosure could have serious consequences. But several officials also praised the FBI for its conduct of the investigation, and one said that "it must have been quickly apparent to them that they were looking for the source of information which had been deliberately released."

The investigation was complicated by the fact that the information disclosed was widely known throughout the government, even though Reagan may not have realized this when he ordered the investigation. It was discussed with the president at a small NSC meeting on Sept. 11, but also was brought up at a larger NSC meeting the day before and put in written form on that day.

"The potential list of suspects was quite large," an official said.